

IN THE SUPREME COURT OF THE UNITED STATES

VIVEK H. MURTHY, U.S. SURGEON GENERAL, ET AL.,
APPLICANTS

v.

MISSOURI, ET AL.

NOTICE OF APPEARANCE BY INTERESTED PARTY AND NOTICE OF RELATED CASE
(CAPTIONED *RICHARD JACKSON, ET AL. v. TWITTER, INC., ET AL.*)
(USDC CASE NO. 2:22 – cv-09438 (AB)) (Central District of California filed December 29, 2023)

NOTICE OF INTENT OF INTERESTED PARTY TO FILE AMICUS BRIEF PURSUANT TO
SUPREME COURT RULES 33.1, 34 AND 37 IN SUPPORT OF ANY OPPOSITION FILED BY
RESPONDENTS THE STATES OF MISSOURI AND LOUISIANA TO THE APPLICANTS’ PETITION
FOR A STAY OF THE INJUNCTION ISSUED BY THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF LOUISIANA ON JULY 4, 2023

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Interested Party and **Former** Counsel of Record
for Plaintiffs in Related Case captioned *Richard
Jackson, et al. v. Twitter, Inc., et al.*, USDC Case
No. 2:22 – cv-09438 (AB) (“*Jackson v. Twitter*”)

Hearing and Oral Argument on Former
Counsel’s Application to Substitute into *Jackson
v. Twitter* as Pro Per Party and Other Related
Issues Continued by Court to October 13, 2023

TO THE HONORABLE SUPREME COURT OF THE UNITED STATES OF AMERICA AND TO ALL INTERESTED PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:

YOU ARE HEREBY NOTIFIED THAT on December 29, 2023, Richard Jackson, Julie Briggs and Gregory Buchwalter filed a “putative” Class Action Complaint captioned RICHARD JACKSON, JULIE BRIGGS, and GREGG BUCHWALTER, Individually And On Behalf Of All Others Similarly Situated, Plaintiffs v. TWITTER, INC., a Delaware corporation; GOOGLE, LLC, a limited liability company; ALPHABET, INC., a Delaware corporation; FACEBOOK, INC., a Delaware corporation; INSTAGRAM, INC., a Delaware corporation; AMAZON INC. a Delaware corporation; YOU TUBE, INC., a Delaware corporation; APPLE, INC., a Delaware corporation; AMERICAN FEDERATION OF TEACHERS; NATIONAL EDUCATION ASSOCIATION; NATIONAL SCHOOL BOARD ASSOCIATION; [and] DNC SERVICES CORPORATION, a corporation doing business nationwide as “THE DEMOCRATIC NATIONAL COMMITTEE,” Defendants, USDC Case No. 2:22-cv-09438 (AB) (the “Jackson Complaint”) (hereinafter “*Jackson v. Twitter*”).

The Jackson Complaint asserts alleged civil rights claims for election interference and unconstitutional censorship against the “private party” defendants on the grounds that they were and still are acting as actual and ostensible agents for the federal government in banning disfavored (mostly) conservative speech under the guise of “misinformation” “disinformation” and “mal-information,” in violation of Plaintiffs’ First Amendment and other constitutional rights

Plaintiffs allege that Defendants - aided, abetted, directed, instructed, coerced, encouraged and induced by the Biden Administration – created tailor-made algorithms that they incorporated into their social media platforms and government software to purposely limit conservative speech, limited or excluded the types of books, computers and other products that can be purchased by Americans over the internet from internet retailers, stifled and censored conservative speech, opinions, views and demands made by concerned parents at taxpayer-funded public school board meetings, threatening them with arrest and prosecution by the US Department of Justice (“DOJ”) if they did not tow the Democratic Party line and dogma (actually arresting and prosecuting some parents), and enacted and implemented national

school policy favoring mandated, useless paper face masks for children and massive state-wide school shut-downs that the US Center for Disease Control (“CDC”) and its leaders, including Dr. Stephen Fauci (“Dr. Fauci”), knew or should have known harmed children but myopically approved and adopted anyway despite undisputed contrary evidence pursuant to directions from the US Department of Education (“DOE”) and high-ranking Biden Administration officials, including U.S. Surgeon General Vivek H. Murthy and the President himself.

The avowed purpose of Defendants’ unconstitutional censorship and election interference was and is to corrupt and control what has become the “Town Square” by stifling and censoring any speech that the Democratic Party’s Progressive Left does not like or is not consistent with their ideology. (See Complaint, Pacer Dkt. No. 1)

The Honorable Supreme Court and parties herein should note that *Jackson v. Twitter* is clearly a “related case” – as defined by the federal rules – to *State of Missouri, et al. v. Joseph R. Biden Jr., et al.*, Case No. 3:22-cv-01213, Terry A. Dougherty, Judge Presiding (“*Missouri v. Biden*”).

Among other things, the documentary and other evidence relied upon by Plaintiffs in *Jackson v. Twitter* and cited by Plaintiffs in the Jackson Complaint is the same evidentiary material that convinced and persuaded Honorable Terry A. Dougherty to issue his July 4, 2023 nationwide injunction that gave rise to the Biden Administration’s appeal to the Fifth Circuit, the instant Application and this Court’s 10-day “Administrative Stay” of the Fifth Circuit’s Opinion.

Similarly, the material facts and evidence alleged in the Jackson Complaint are the same material facts and evidence that the Fifth Circuit relied upon in issuing its September 8, 2023 Per Curium Opinion that spurred on the Biden Administration’s Application for a Stay. See *Missouri v. Biden*, No. 23-30445 (Fifth Cir. Filed September 8, 2023).

While the significant legal and constitutional issues at stake and decided by Judge Dougherty and the Fifth Circuit are virtually identical to the legal and constitutional issues at stake in *Jackson v. Twitter*, both the injunction and Opinion are silent and vague with respect to the scope and reach of the injunction

and in particular, whether it reaches private parties like the Defendants identified and named in the Jackson Complaint.

Jackson v. Twitter and the Jackson Complaint provide this Court that critical missing link.

The Jackson Complaint alleges and establishes by the evidence that the “private-party” Defendants named therein in fact were and still are directed, instructed, encouraged, coerced, cajoled, persuaded and demanded by the Biden Administration and its managers to act as actual or ostensible agents on behalf of the federal government and/or its various alphabet agencies, like the FBI, CDC and DOJ, to silence the Biden Administration’s critics or otherwise do its bidding to violate the constitutional rights of Plaintiffs and other conservative-leaning speakers.

The Plaintiffs in *Jackson v. Twitter* also seek the same remedy as the States of Missouri and Louisiana, namely the imposition of a nationwide injunction or consent decree as an equitable remedy for Defendants’ unconstitutional conduct.

The equitable relief sought by Plaintiffs in *Jackson v. Twitter* is firmly grounded on the Constitutional Law principle that private-parties – like the private-party Defendants named in the Jackson Complaint (but omitted as parties in the Biden Administration’s appeal of the Judge Dougherty’s injunction) and other similarly situated “bad actors,” including the so-called “Legacy Media” (also controlled by the Democratic Party) -- cannot engage in illegal or unconstitutional activities as actual or ostensible agents, or on behalf of, the federal government.

Stated another way, private parties cannot engage in or continue to engage in illegal activities on behalf of the Biden Administration that the Biden Administration could not and cannot do for itself -- namely, unconstitutionally censoring and stifling conservative speech through computer or electronic programs and algorithms designed to root out speech they do that they do not like or disfavor at the request or on behalf of the federal government to create Progressive Left policy for the American People that is being implemented by individuals nobody voted for.

Accordingly, to the extent this Court accepts Certiorari or otherwise seeks to address and ultimately resolve *Missouri v. Biden*, the Court should also order that *Jackson v. Twitter* – a clearly

“related case” that if left undecided will result in an open question about whether the scope of the injunction also reaches private parties like the Defendants identified in the Jackson Complaint - be decided at the same time.

Both cases: 1) involve the same acts or transactions connected with or constituting a part of a common conspiracy, scheme or plan; 2) arise out of the same operative set of facts, behavioral episodes or course of conduct; and 3) arise out of the same investigation into the same set of facts and have temporal proximity to each other.

Moreover, virtually all of the documentary and other evidence that Plaintiffs rely on to support their claims in *Jackson v. Twitter* was obtained from the documentary evidence that Plaintiffs obtained from the Biden Administration pursuant to the expedited discovery the Court ordered in *Missouri v. Biden*. The evidence is “hyperlinked” in the Complaint to the documents themselves for ease of reading (cites to the “URL’s”). The evidentiary admissions include the now publicly available (but infamous) letter from Attorney General Merritt Garland to the National School Board Association (“NSBA”) (a defendant in *Jackson v. Twitter*) in support of the NSBA’s stifling and censoring of conservative-leaning parents’ speech at school board meetings, treating our children’s parents as “domestic terrorists.”

Since *Jackson v. Twitter* is a “related case” to the instant case, the interests of justice and judicial economy and efficiency favor this Honorable Court also deciding *Jackson v. Twitter* on the merits at the same time.

For all of the foregoing reasons, I respectfully request as an “interested party” that this Court issue an Order to Show Cause to the parties and litigants why *Missouri v. Biden* and *Jackson v. Twitter* should not be ordered consolidated for briefing, argument and decision.

YOU ARE FURTHER NOTIFIED THAT pursuant to Supreme Court Rules 33.1, 34 and 37, Plaintiffs in *Jackson v. Twitter* intend to file an “*Amicus* Brief” in their capacity and role as “interested” and “related parties” in which the issues addressed herein above will be fully briefed.

DATED: September 20, 2023

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Twitter”)

Hearing and Oral Argument on Application to
Substitute into Case *Pro Per* as Party in *Jackson*
v. Twitter and Other Related Issues Continued
by Court to October 13, 2023

/s/ Michael E. Reznick
Michael E. Reznick

CERTIFICATE OF SERVICE

I hereby certify that on September 20, 2023, I electronically filed the foregoing document entitled:

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with the Clerk of the Court for the United States Supreme Court, 1 1st Street NE, Washington, D.C. 20543, by using the CM/ECF system.

I certify that all parties of record to this appeal either are registered CM/ECF users, or have registered for electronic notice, or have consented in writing to electronic service, and that service will be accomplished through the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and United States of America that the foregoing is true and correct.

Executed on September 20, 2023 at Oak Park, California.

/s/ Michael E. Reznick
Michael E. Reznick